

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

RE: THE ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claims 6-9 is respectfully acknowledged.

Claim 6 has been amended to be rewritten in independent form to include the subject matter of claim 1, as well as to overcome the rejection under 35 USC 112, second paragraph.

No new matter has been added, and no new issues with respect to patentability have been raised.

Accordingly, it is respectfully submitted that amended independent claim 6 and claims 7-9 depending therefrom are now in condition for immediate allowance.

RE: THE AMENDMENTS TO CLAIM 1

Claim 1 has been amended to clarify that the feeding amount controller decreases or stops a feeding by the feeder of the object to be crushed when the load judging device judges that the hydraulic motor is in the overloaded state and increases or starts the feeding by the feeder of the object to be crushed when the load judging device judges that the hydraulic motor is in the

underloaded state. In addition, claim 1 has been amended to recite that the feeding amount controller is arranged to adjust the feeding of the object by the feeder based on or as a function of a crushing duration time between time points when the feeding of the object to be crushed is increased or started and when the feeding of the object to be crushed is decreased or stopped. And still further, claim 1 has been amended to recite that motor capacity controller changes a capacity of the capacity-variable motor to the large capacity when the load judging device judges that the hydraulic motor is in the overloaded state.

No new matter has been added, and it is respectfully requested that the amendments to the claim be approved and entered, and that the rejection under 35 USC 112, second paragraph, be withdrawn.

RE: THE PRIOR ART REJECTIONS

Claims 1 and 2 were rejected under 35 USC 103 as being obvious in view of the combination of USP 5,803,376 ("Koyanagi et al") ad JP 09-070547 ("JP '547"); and claims 3-5 were rejected under 35 USC 103 as being obvious in view of the combination of Koyanagi et al, JP '547 and JP 2007-346407 ("JP '407") or JP-01-78701 ("JP '701"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in amended independent claim 1, a load judging device judges whether the loading state of the hydraulic motor detected by the load detector is in an overloaded state or an underloaded state and a feeding amount controller decreases or stops a feeding by the feeder of the object to be crushed when the load judging device judges that the hydraulic motor is in the overloaded state and increases or starts the feeding by the feeder of the object to be crushed when the load judging device judges that the hydraulic motor is in the underloaded state. In addition, as recited in amended independent claim 1, the feeding amount controller is arranged to adjust the feeding of the object by the feeder based on or as a function of a crushing duration time between time points when the feeding of the object to be crushed is increased or started and when the feeding of the object to be crushed is decreased or stopped.

With the structure of the claimed present invention, by adjusting the feeding of the object by the feeder based on or as a function of the crushing duration time, it is possible to optimize the feeding of the object to be crushed relative to the actual operation of the rotary crusher. In other words, the feeding of the object by the feeder can be coordinated with the time required for crushing of the object by the rotary crusher being fed by the feeder so that the rotary crusher can

continually receive an appropriate measure of the object to be crushed from the feeder.

It is respectfully submitted that Koyanagi et al, JP '547, JP '407 and JP '701 do not disclose, teach or suggest a crushing apparatus wherein the feeding of the object by a feeder is adjusted based on or as a function of a crushing duration time, as according to the claimed present invention.

In particular, it is respectfully pointed out that Koyanagi et al, JP '407 and JP '701 do not disclose any structure which adjusts the feeding of an object by a feeder to a crusher based on the operation of the crusher.

JP '547 does disclose adjusting rotation of a primary crusher 8 based on rotation of a secondary crusher 14 which receives crushed material from the primary crusher 8, via detection of a load of a motor M2 which rotates the secondary crusher 14. However, in JP '547, there is no consideration of a crushing duration time of the secondary crusher 14 when determining the feeding of the object by the primary crusher 8 to the secondary crusher 14.

Accordingly, it is respectfully submitted that even if the cited references were combinable in the manner suggested by the Examiner, the structure of the present invention as recited in amended independent claim 1 would still not be achieved or rendered obvious.

In view of the foregoing, it is respectfully submitted that amended independent claim 1 and claims 2-5 depending therefrom clearly patentably distinguish the cited references, taken singly or in combination, under 35 USC 103, along with allowable claims 6-9.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

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